

**FINDING OF NO SIGNIFICANT IMPACT (FONSI)  
regarding**

**The U.S. Fish and Wildlife Service's Proposed Issuance of an Endangered Species Act  
Section 10(a)(1)(B) Incidental Take Permit for the Indiana Bat and Northern long-eared  
Bat to the Wildcat Wind Farm I LLC in Association with Implementation of the Wildcat  
Wind Farm Habitat Conservation Plan in Madison and Tipton Counties, Indiana**

**I. Introduction**

This Finding of No Significant Impact (FONSI) addresses the issuance of an incidental take permit (ITP) pursuant to the Endangered Species Act of 1973, as amended (ESA; 16 United States Code [USC] §§1531-1544) and its regulations pertinent to the incidental take permitting (50 Code of Federal Regulations [CFR] §22.26) related to the Wildcat Wind Farm (the Project), located in Madison and Tipton Counties, Indiana. The Project is owned and operated by Wildcat Wind Farm I LLC (Wildcat or Applicant), a wholly owned subsidiary of E.ON Climate and Renewables, North America.

In accordance with the National Environmental Policy Act of 1969 (NEPA; 42 USC §4321 et seq.) and its implementing regulations (40 CFR §§1500-1508) and the Department of the Interior's regulations for implementing NEPA (43 CFR §§46.300-325), the U.S. Fish and Wildlife Service (Service) has completed an Environmental Assessment (EA) analyzing the effects on the human environment of issuing an Incidental Take Permit (ITP), pursuant to section 10(a)(1)(B) of the ESA, to Wildcat. The ITP would authorize take of the endangered Indiana bat (*Myotis sodalis*) and the threatened northern long-eared bat (*Myotis septentrionalis*) by covered activities carried out in conjunction with implementation of the Wildcat Wind Farm Habitat Conservation Plan (HCP) in Madison and Tipton Counties, Indiana. The above species are hereafter referred to as "Covered Species."

The EA evaluated a range of reasonable alternatives, based on their ability to meet our purpose and need, and the associated impacts to the human environment. Upon review of the EA, the Service concludes that a finding of no significant impact is appropriate. Following review and analysis, the Service has chosen to issue an incidental take permit as described under our Preferred Alternative, which is Alternative 2 of the EA.

**Background**

The Project is a wind energy facility located in central Indiana, north of the town of Elwood. The Project's nameplate capacity is 200-megawatts (MW) and comprises 125 1.6 MW wind turbine generators, turbine pads, an operations and maintenance building, access roads, collector line system, switching station, meteorological (MET) towers, and a substation. Approximately 1.5 miles of overhead transmission line extends along Madison County Road 1500N from Madison County Road 700W to 0.5 miles east of Indiana State Road 37.

The Project began operating in December 2012. In 2013, 2014, 2015, and 2016 Wildcat operated the Project under the terms of Technical Assistance Letters (dated June 18, 2012 and July 2, 2015; Appendix B of the Project HCP) from the Service. Currently, the project is operating under the revised Technical Assistance Letter dated July 2, 2015. In 2013 and 2014, from August 1 to October 15, Wildcat implemented operational adjustments and raised the cut-in

speed of Project turbines from the manufacturer's rated cut-in speed of 3.5 m/s to 7.0 m/s from 30 minutes before sunset to 30 minutes after sunrise. The Service's revised Technical Assistance Letter requires a cut-in speed of 5.0 m/s during the spring migration season (March 15 – May 15) and a cut-in speed of 6.9 m/s in the fall (August 1 – October 15) until such time an ITP is issued. Project operations were curtailed at 6.9 m/s during the fall in 2015 and at 5.0 m/s during the spring of 2016. Due to the implementation of these measures, take of the Covered Species is unlikely to occur at the Project.

In order to decrease the operational cut-in speed of the turbines, thereby increasing the renewable energy output of the Project, Wildcat is requesting an ITP for take of the Covered Species that may occur as a result of the operation, maintenance, monitoring, and decommissioning of the Wildcat Wind Farm over the next 28 years, and for mitigation activities implemented to offset the impact of take.

### Alternatives Considered

As referenced in the CEQ NEPA regulations regarding the contents of an EA (40 CFR §1508.9[b]) NEPA section 102(2)(E) requires agencies to develop, study, and briefly describe alternatives to any proposed action with the potential to result in unresolved resource conflicts. The EA describes the probable effects of the Applicant's proposed action, a no action alternative, and two other action alternatives. For a complete description of these alternatives and other alternatives that were considered but not evaluated further, see EA Chapter 3.

The alternatives vary by the operational adjustments and the extent of mitigation needed for offsetting the unavoidable take of Indiana bats and northern long-eared bats. Because operational adjustments are assumed to affect the level of take of covered species, they also define the amount of mitigation needed to compensate for the impact of the taking. For all four alternatives analyzed in the EA, the Applicant would implement the measures specified in their Bird and Bat Conservation Strategy (BBCS; Appendix A of EA).

Alternatives 1: No Action Alternative –Wildcat would continue to operate under the restrictions of the Technical Assistance Letter for the life of the project. Because take of Indiana and northern long-eared bats is unlikely to occur under these restrictions, Wildcat would not obtain an ITP or implement an HCP. Wildcat would conduct post-construction monitoring as specified in the Technical Assistance Letter and described in their Mortality Minimization and Monitoring Proposal (Appendix A of the Project HCP).

Alternative 2: Proposed Action Alternative –Wildcat would implement the BBCS and HCP that includes: feathering of turbines at 5.0 m/s at night from August 1 – October 15 and at 3.5 m/s at night from October 16 – July 31; mitigating for the impact of take through summer habitat protection/restoration; conducting post-construction monitoring and implementing an adaptive management plan. The Service would issue an ITP for a 28-year permit term to authorize incidental take of Indiana and northern long-eared bats.

Alternative 3 – More Restrictive Operation Alternative – Wildcat would implement a BBCS and HCP that includes: feathering of turbines at 6.5 m/s at night from August 1 – October 15 and at 3.5 m/s at night from October 16 – July 31; mitigating for the impact of take through summer habitat protection/restoration; conducting post-construction monitoring and implementing an

adaptive management plan. The Service would issue an ITP for a 28-year term to authorize incidental take of Indiana and northern long-eared bats.

Alternative 4: Less Restrictive Operations Alternative –Wildcat would implement a BBCS and HCP that includes: feathering of turbines at 4.5 m/s at night from August 1 – October 15 and at 3.5 m/s at night from October 16 – July 31; mitigating for the impact of take through summer habitat protection/restoration; conducting post-construction monitoring and implementing an adaptive management plan. The Service would issue an ITP for a 28-year term to authorize incidental take of Indiana and northern long-eared bats.

## **II. Impact of HCP Implementation**

The EA evaluated potential impacts that could result from the issuance of the ITP and implementation of an associated HCP. The EA assisted us in evaluating effects on the human environment and in assessing the significance of the impacts that could result from the alternatives. "Significant" under NEPA requires consideration of both the context and intensity of short- and long-term effects of the proposal (40 CFR § 1508.27).

The Project has already been constructed and operating for more than four years. The effects associated with the Proposed Action (i.e., issuance of an ITP contingent on implementation of the HCP) are related to impacts from future Project operations, maintenance, monitoring, and decommissioning, and future mitigation projects. Of these activities, only impacts from Project operations are anticipated to result in the incidental take of Covered Species.

Under the HCP, Wildcat commits to avoid and minimize take of Covered Species through the implementation of avoidance and minimization measures which include, but are not limited to:

- Siting the project outside of potential summer habitat for Indiana and northern long-eared bats;
- Conducting any maintenance tree clearing activities between October 1 and March 31;
- Feathering turbine blades below 5.0 m/s at night between August 1 and October 15 when the ambient temperature is above 50°F; and
- Feathering turbine blades below 3.5 m/s at night between October 16 and July 31.

Under the HCP, Wildcat also commits to mitigate the impacts of the take from the project through protection, and restoration if needed, of 253 acres of suitable summer habitat within the home range of a known maternity colony(ies) of Indiana and northern long-eared bats.

While impacts to wildlife resources will be minimized through measures specified in Wildcat's HCP and BBCS, Project operations are anticipated to have adverse effects to Indiana bats, northern long-eared bats, non-listed bats, and some birds. However, implementing the Proposed Action would not result in significant impacts on any of the environmental resources identified in the EA in consideration of the context and intensity of the project. The Proposed Action is consistent with our purpose and need as stated in the EA.

## **III. Public Involvement**

### **Release of draft EA and draft HCP**

On June 20, 2016, the Service published the Draft EA and Draft HCP in the Federal Register (81 FR 39947-39949). Public comments were accepted during a 45-day period following publication of the Federal Register Notice of Availability. The Service offered links to both documents on their website and provided copies whenever requested.

#### Public Comments

No comments were received on the draft HCP, draft IA, or draft EA during the 45-day public comment period.

#### **V. Service Finding**

Following a comprehensive review and analysis of the HCP and consideration of the findings presented in the EA and summarized above, the Service has selected the Proposed Action as the preferred alternative because it best meets the agency purpose and need to conserve listed bats, and respond to an ITP application, while fulfilling our statutory mission and responsibilities and considering economic, environmental, technical, and other factors. We base this decision on the review of information taken from:

1. agency and public comments on the draft EA and draft HCP;
2. considered alternatives and their environmental consequences disclosed in the draft EA and final EA;
3. the draft HCP and final HCP;
4. the Implementing Agreement;
5. the Service's Biological Opinion; and
6. the Service's Statement of Findings.

#### **VI. Conclusion**

Based on review and evaluation of the information contained in the supporting references, it was determined that the preferred alternative is not a major Federal action that would significantly affect the quality of the human environment, within the meaning of section 102(2)(c) of the NEPA. Accordingly, the Service is not required to prepare an environmental impact statement for this action. Furthermore, it was found that implementing the preferred alternative will have no significant impact on any of the environmental resources identified in the EA.

  
Tom O. Melius  
Regional Director, Region 3  
U.S. Fish & Wildlife Service

Aug 19, 2016  
Date